

II. Settlement and Demarcation.

E. NATURE OF COMPENSATION TO BE MADE IN COMMUTING RIGHTS—*concluded*.

(commutation) of which, terminable at periods more or less remote, according to the nature and value of the rights, would not be adequate compensation.*

F. Concerning appeals against orders passed by the Forest Settlement Officer.

142. Section 16 of the Forest Act gives "right of appeal within three months from the date of the orders passed" and it follows that after that period there is no right of appeal against the awards of the Forest Settlement Officers.†

Appeals under section 16,
Indian Forest Act.

143. The Assistant or Deputy Collector in charge of the taluka should be empowered, under section 16 of the Forest Act, to present an appeal against any order the Forest Settlement Officer under section 15 which may appear to him injurious to the interests of Government land revenue, so that all such cases may be brought under the review of the Collector. To enable the Assistant or Deputy Collector to decide whether an appeal should or should not be preferred, a copy of every decision passed by the Forest Settlement Officer under section 15 should be communicated to him by that officer.‡

Powers under section 16,
Indian Forest Act, of
Assistant and Deputy
Collectors to appeal against
decisions of Forest Settle-
ment Officer under section
15, Indian Forest Act.

144. Care should be taken that a copy of the Forest Settlement Officer's report and of any orders passed by him under section 11 of the Indian Forest Act, is communicated to the Conservator of Forests in time to enable him to prepare an appeal under section 16 within the period specified in that section, should such an appeal be deemed expedient.§

A copy of orders passed
by the Forest Settlement
Officer should be sent to

[NOTE.—For Conservator's powers under section 16, Indian Forest Act, read section 336, Standing Orders, Forest.]

145. A copy of every award of a right against the forests, save of a right of way, in respect of any lands which may be made by a Forest Settlement Officer, should be forwarded through the Divisional Forest Officer, to the Conservator of Forests by the Forest Settlement Officer immediately upon the award being made.||

Copy of awards of rights
except right of way to be
sent to

* Advocate General's No. 28, dated 8th November 1887, *vide* Government Resolution No. 8524, dated 15th December 1887.

† L. R. No. 765, dated 5th June 1884, *vide* Government Resolution No. 4888, dated 18th idem.

‡ Government Resolution No. 1190, dated 9th February 1885.

§ Government Resolution No. 4560, dated 6th August 1881.

|| Government Resolutions No. 2988, dated 9th April 1884; and No. 278, dated 13th January 1890.

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F. CONCERNING APPEALS AGAINST ORDERS PASSED BY THE FOREST SETTLEMENT OFFICER—*concluded.*

146. In the margin of section 18 of the Forest Act is the word "Pleaders," which seems to show that the section refers to the appointment of Counsel by the parties. It may be assumed, as a matter of course, that the Forest Settlement Officer will consult the Forest Department in all his proceedings, and a formal permanent appointment of the Forest Officers, under section 18, to appear for Government is not necessary.*

147. Conservators of Forests are authorized to employ District Government Pleaders generally for the purpose of appeals against the orders of Forest Settlement Officers, whenever such appeals are preferred. The Conservators should instruct the District Government Pleaders as to the ground on which their appeals are to be based.†

148. In the enquiry into all important claims on which the Forest Settlement Officer will pass orders under sections 10, 11, 14 or 15 of the Forest Act, or in regard to which appeal is preferred under section 16, the Forest Officers who are responsible that the interests of Government are adequately represented should apply under the standing rules for the advice and assistance of the Legal Remembrancer, who will make proposals to engage counsel as he may think necessary. The Collector, who is deputed to hear appeals under section 16, should not, of course, take part in these proceedings. The Forest Settlement Officer, who exercises in these enquiries the powers of a Civil Court, cannot with propriety take part in communications relating to the evidence to be collected for the defence. Any decision of the executive Government against admission of forest rights is simply a statement of the position which Government propose to defend if it is assailed in the Forest Settlement Officer's Court, and is in no way intended as an instruction to the Forest Settlement Officer in his judicial capacity. This should be obvious, but the matter is plainly stated here because it has sometimes been misunderstood.‡

149. Section 17 of the Forest Act empowers Government to revise an appellate order when an appeal has been made under section 16. But when no such appeal is made Government have no power to revise the order of the Forest Settlement Officer, nor is Government vested with authority to quash proceedings and direct a fresh enquiry.§

* Government Resolution No. 4034, dated 1st August 1879.

† Government Resolution No. 1048, dated 4th February 1884.

‡ Government Resolution No. 7829, dated 26th September 1885.

§ L. R. No. 643, dated 20th May 1886, *vide* Government Resolutions No. 4090, dated 9th June 1886; and No. 3027, dated 14th May 1887.